

**SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX**

SHAYNE LIBURD,

Plaintiff,

v.

PATTERSON COMPANIES LLC and STEVEN L.
GRIMES,

Defendants.

SUMMONS

Index No.:

Plaintiff designates
BRONX COUNTY as
the place of trial.

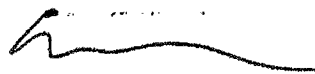
The basis of venue is:
Plaintiff's residence
4258 Byron Avenue
Bronx, NY 10466

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: New York, New York
December 20, 2021

Yours, etc.,
THE BARNES FIRM, P.C.

By: 
Erica B. Tannenbaum, Esq.
Attorneys for Plaintiff
420 Lexington Avenue, Suite 2140
New York, NY 10170
(800) 800-0000 x555

PATTERSON COMPANIES LLC
2079 US Highway 158
Mocksville, NC 27028

STEVEN L. GRIMES
6910 Stafford Road
Plant City, FL 33565

**SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX**

SHAYNE LIBURD,

Plaintiff, **COMPLAINT**

v.

PATTERSON COMPANIES LLC and STEVEN L.
GRIMES,

Defendants.

Plaintiff, SHAYNE LIBURD, by his attorneys, THE BARNES FIRM, P.C., for his complaint against defendants, PATTERSON COMPANIES LLC and STEVEN L. GRIMES, alleges upon information and belief:

1. At all times herein relevant plaintiff SHAYNE LIBURD, has been a resident of the County of Bronx and State of New York.
2. That at all times hereinafter relevant, defendant, PATTERSON COMPANIES LLC, was a domestic liability company conducting business in New York State.
3. That at all times hereinafter relevant, defendant, PATTERSON COMPANIES LLC, transacted business with the State of New York and/or contracted anywhere to supply goods or services in the State of New York.
4. That at all times herein relevant, defendant, PATTERSON COMPANIES LLC, committed a tortious act with the State of New York.

5. That at all times herein relevant, defendant, PATTERSON COMPANIES LLC, owns, uses or possesses any real property situated with the State of New York.

6. That by virtue of the allegations above, defendant, PATTERSON COMPANIES LLC, is subject to the laws of the State of New York pursuant to CPLR 302.

7. At all times herein relevant defendant STEVEN L. GRIMES, has been a resident of the County of Hillsborough and State of Florida.

8. On or about November 14, 2019, plaintiff SHAYNE LIBURD, was the owner of a certain 2011 BMW bearing a State of Florida license plate number LVGI91.

9. On or about November 14, 2019, defendant PATTERSON COMPANIES LLC was the owner of a certain 2020 Peterbilt bearing North Carolina State license plate number NH7949.

10. On or about November 14, 2019, plaintiff SHAYNE LIBURD, operated the vehicle described in paragraph 8 above.

11. On or about November 14, 2019, STEVEN L. GRIMES, operated the vehicle described in Paragraph 9 above with the full consent of the owner, defendant PATTERSON COMPANIES LLC.

12. On or about November 14, 2019, defendant STEVEN L. GRIMES, operated the vehicle described in Paragraph 9 above with the full knowledge of the owner, defendant PATTERSON COMPANIES LLC.

13. On or about November 14, 2019, defendant STEVEN L. GRIMES, operated the vehicle described in Paragraph 9 above with the full permission of the owner, defendant PATTERSON COMPANIES LLC.

14. Under New York Law, defendant PATTERSON COMPANIES LLC, as owner of the motor vehicle, is responsible and liable for the negligent and/or reckless operation of its motor vehicle.

15. On or about November 14, 2019, defendant STEVEN L. GRIMES was an employee of defendant PATTERSON COMPANIES LLC.

16. On or about November 14, 2019, defendant STEVEN L. GRIMES was an agent of defendant PATTERSON COMPANIES LLC.

17. Defendant PATTERSON COMPANIES LLC is vicariously liable for defendant STEVEN L. GRIMES.

18. Defendant PATTERSON COMPANIES LLC was negligent in the hiring, training, retention and supervision of defendant STEVEN L. GRIMES.

19. At all times herein relevant Tiffany Street was a public highway in the County of Bronx, State of New York.

20. On or about November 14, 2019, plaintiff SHAYNE LIBURD, operated the vehicle described in Paragraph 8 above parked in front of 720 Tiffany Street in the County of Bronx and State of New York.

21. On or about November 14, 2019, defendant STEVEN L. GRIMES, operated the vehicle described in Paragraph 9 above at 720 Tiffany Street in the City of Bronx, County of Bronx and State of New York.

22. On or about November 14, 2019, defendant driver STEVEN L. GRIMES, struck the rear of the vehicle plaintiff SHAYNE LIBURD was operating at 720 Tiffany Street in the City of Bronx, County of Bronx and State of New York.

23. As a result of the above referenced incident, Plaintiff SHAYNE LIBURD was injured.

24. On or about November 14, 2019, defendant STEVEN L. GRIMES was in the course of employment for defendant PATTERSON COMPANIES LLC while he operated the vehicle described in paragraph 9 on Tiffany Street in the County of Bronx, State of New York.

25. The incident described in Paragraph 22 above occurred as a result of the negligence, carelessness and/or recklessness of defendants PATTERSON COMPANIES LLC and STEVEN L. GRIMES, without any negligence attributable in any measure to plaintiff SHAYNE LIBURD.

26. At all times herein relevant, defendant STEVEN L. GRIMES, was negligent, careless and/or reckless in the operation, management, control, supervision, repair and/or maintenance of the vehicle described in paragraph 9.

27. At all times herein relevant, defendant PATTERSON COMPANIES LLC was negligent, careless and/or reckless in the ownership, operation, management, control, supervision, repair and/or maintenance of the vehicle described in paragraph 9.

28. Plaintiff SHAYNE LIBURD, has sustained a serious injury, as defined in subsection (d) of section five thousand one hundred two of the New York State Insurance Law.

29. Plaintiff SHAYNE LIBURD, has sustained economic loss greater than basic economic loss, as defined in subsection (a) of section five thousand one hundred two of the New York State Insurance Law.


30. The limitations on liability set forth in CPLR Article 16 do not apply herein; one or more of the exemptions set forth in CPLR Section 1602 applies.

31. As a result of the negligence, carelessness and/or recklessness of defendant driver STEVEN L. GRIMES, for which defendant owner PATTERSON COMPANIES LLC, is liable and responsible, as alleged above, plaintiff SHAYNE LIBURD, was injured and has suffered damages in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.

WHEREFORE, Plaintiff SHAYNE LIBURD, demands judgment against defendants, PATTERSON COMPANIES LLC and STEVEN L. GRIMES, jointly and severally, in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts and plaintiff SHAYNE LIBURD, demands such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: New York, New York
December 20, 2021

Yours, etc.,
THE BARNES FIRM, P.C.

By: 
Erica B. Tannenbaum, Esq.
Attorneys for Plaintiff
420 Lexington Avenue, Suite 2140
New York, NY 10170
(800) 800-0000 x555


VERIFICATION

The undersigned, an attorney admitted to practice in the Courts of New York State, shows: that deponent is an attorney with THE BARNES FIRM, P.C., the attorney of record for Plaintiff in the within action; that deponent has read the foregoing Verified Bill of Particulars and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by Plaintiff is that Plaintiff resides in a County other than the County in which deponent's office is located.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge is a review of the file, including accident reports, witness statements, medical records and conversations and conferences with Plaintiff.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: December 20, 2021
New York, New York



Erica B. Tannenbaum, Esq.